IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4825 OF 2006

Kum. Vaishali Shivaji Shinde ...Petitioner

Versus

State of Maharashtra and Ors. ...Respondents

Ms. Helen K. Mandlik, instructed by Mr. R.K. Mendadkar,
for the petitioner.

Mr. R.D. Rane, Government Pleader, for respondent Nos. 1 and 2.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **OCTOBER 09, 2006**.

P.C.

Heard the learned counsel for the parties.

2. Rule, returnable forthwith.

3. By consent of the learned counsel for the parties, Rule is heard finally at this stage.

4. The learned counsel for the petitioner submits that the petitioner accepts the order of the Caste Scrutiny Committee invalidating the Petitioner's caste claim that she belongs to Scheduled Tribe-Tokare Koli . The learned counsel for the petitioner, however,

submits that the petitioner has completed D.Ed. Course in November, 2005.

5. Since the Petitioner has already completed the D.Ed. course and has also appeared in the second and final year of D.Ed. course in the month of November, 2005, in our considered view, no purpose would be served in not declaring her result. In the peculiar facts and circumstances of the case and in the light of the order passed a Division Bench of this Court on 17th March, 2005 in Writ Petition No. 10678 of 2004 (*Pentu Vithalrao Maisanwad and ors.* vs. *State of Maharashtra and Ors*.), we are satisfied that the result of the petitioner deserves to be declared and mark-sheet released to her.

6. We accordingly dispose of the Rule by the following order.

(i) We record that the petitioner accepts the finding of the Scheduled Tribe Caste Certificate Scrutiny Committee that she does not belong to Scheduled Tribe - Tokare Koli and henceforth she or her family members shall not claim any benefit of Tokare Koli tribe.

(ii) The Respondent No. 3- Maharashtra State Examination Council, is directed to declare the petitioner's result for second and final

year D.Ed. course examination held in the month of November, 2005 within two weeks from today and also release the mark-sheet to her.

(iii) We also direct the petitioner to file an undertaking within two weeks that she will not take any further benefit of the caste certificate.

(iv) Writ Petition is disposed of with no order as to costs.

CHIEF JUSTICE

V.M. KANADE, J.